IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 2252 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

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RUKHADBHAI VIRABHAI KOLI

Versus

STATE OF GUJARAT

Appearance:

1. Criminal Misc.Application No. 2252 of 2002

MR AMAR D MITHANI for Petitioner No. 1

MR AJ DESAI, LD.ADDL.PUBLIC PROSECUTOR for Respondent No. 1

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 03/05/2002

ORAL JUDGEMENT

#. Rule. Mr.A.J.Desai, learned APP waives service of rule on behalf of the State of Gujarat.

#. Heard the learned advocates for the parties and

perused the papers. With their consent the application is being disposed of finally.

#. While passing the order dated 6.8.2001 in Misc. Criminal Application No.5918/2001 placed at page-60, this Court had directed that the present petitioner be released on bail on certain conditions and Condition No.3 at page-61 is reproduced as follows :-

Condition No.3 : The petitioner shall not leave Gujarat State without the prior permission of the Court;

#. As per the above condition the petitioner is prevented from leaving the State of Gujarat without the prior permission of this Court. It is stated by the learned advocate appearing for the petitioner that the petitioner has Government contract in Union Territories of Diu, Daman, Dadara and Nagar Haveli and, therefore, the petitioner may be required to leave the State of Gujarat for going to aforesaid Union Territories for effecting the contract work and, therefore, it is prayed that at least this condition may be modified with a view to see that the petitioner fulfils his obligation arising out of the said contract.

#. After hearing the learned advocates for the parties it is found that there is no difficulty if the aforesaid condition is suitably modified. Instead of State of Gujarat, above Union Territories may be added so that the petitioner may remain in Gujarat State as well as in the aforesaid Union Territories without the order of the Court.

#. For the foregoing reasons, this application is allowed. Condition No.3 in the aforesaid matter in Misc.Criminal Application No.5918/2001 dated 6.8.2001 is modified so as to read as follows :-

The petitioner shall not leave the State of Gujarat and Union Territories of Diu, Daman, Dadara and Nagar Haveli, without prior permission of the Sessions Court at Veraval. Rule is made absolute to the above extent. D.S. is permitted.

(D. P. BUCH, J.)

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